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Docket No. 45753-DIV2

1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: S. Hinuma, et al.

Serial No.: 09/461,436

EXAMINER: PAK, M. D.

Filed: 12/14/1999

ART UNIT: 1646

For: G PROTEIN COUPLED RECEPTOR PROTEIN, PRODUCTION, AND
USE THEREOF

14/B
A.G.J
6/17/02

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, in an envelope as First Class Mail, postage prepaid, and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on May 22 2002.

By: 

Judith A. Herrick


.....
Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO OFFICE ACTION/RESTRICTION REQUIREMENT

This is in response to the Office Action dated March 27, 2002 in the above-captioned case. During a telephone conversation with the Examiner on March 8, 2002, a provisional election of species was made with traverse, to prosecute the invention of Group I, claim 19. Applicants affirm the election of Group I, claim 19, with traverse.

Applicants respectfully request reconsideration of the Restriction Requirement. In particular, it is believed multiple groups would have substantially overlapping searches. In



addition, significant time and expense would be saved for Applicant if multiple groups could be examined together. In this regard, Applicants request that Groups I to IV be considered at this time. As stated in the Office Action, Group I includes Claim 19, and is drawn to a protein; Group II includes claims 20-24 and is drawn to a DNA, vector, method of producing protein and transformant; Group III includes claim 25, and is drawn to a method for determining a ligand to the protein for stimulation; Group IV includes claim 26 and is drawn to a screening method for a novel compound for inhibiting.

Applicants would like to draw the Examiner's attention to page 188, lines 29-34, wherein, the protein of claim 19, Group I, is encoded by the nucleotide sequence of claim 20, Group II. The SEQ ID NO's are 54 and 55 respectively as indicated on page 188, lines 29-34. Furthermore, in order to produce and isolate the protein of claim 19 (SEQ ID NO: 54), the nucleotide sequence (SEQ ID NO: 55) is isolated and cloned into a vector which is subsequently used to transform a host cell for producing the protein (SEQ ID NO: 54) of claim 19. The claims 20-24 of Group II are explicitly drawn to such an end.

Once a transformant is produced using the DNA, vector, transformant and method of producing the protein of claim 19, all necessary components for: determining a ligand for stimulation (Group III, claim 25) of the protein of claim 19 (vector with DNA encoding the protein of claim 19 and transformant); or, for screening for a ligand (Group IV, claim 26), which inhibits the protein of claim 19 (vector with DNA encoding the protein of claim 19 and transformant), are present. Screening of compounds for stimulation or inhibition of the protein of claim 19 would only require the selection of compounds themselves.

To be fully responsive however, Applicants maintain their provisional election of Group I, as that Group as defined in the Office Action.

